

Application/Control Number: 09/550,686
Art Unit: 2654

Docket No.: 2000-0026

REMARKS

Reconsideration and allowance are respectfully requested. Claim 3 is amended to make it consistent with claim 1's previous amendment. Claim 8 is amended to correct its dependency. Neither of these amendments is for patentability. New claims 26 - 31 recite corresponding limitations for the system embodiment of claim 24 to the method embodiment of claim 1 and its dependent claims. Applicant further desires to clarify the discrepancies in which claims are pending or withdrawn from consideration. Applicant believes that claims 21 - 23 and 25 are withdrawn from consideration.

Rejection of Claims 1, 3 - 5, 8 - 10 and 24 Under Section 103

The Examiner rejects claims 1, 3 - 5, 8 - 10 and 24 under section 103 as being unpatentable over U.S. Pat. No. 6,327,343 to Epstein et al. ("Epstein et al.") in view of U.S. Pat. No. 5,797,124 to Walsh et al. ("Walsh et al."). Applicant traverses this rejection and respectfully submits that the combination of these references fails to teach each claim limitation.

We first turn to claim 1. The Examiner is correct in noting that Epstein et al. fail to teach or suggest the step of tagging the voice mail message as unknown when the identity of the caller of a voice mail message cannot be determined and receiving an identity of the unknown message caller from the voice mail subscriber. The Examiner, however, asserts that Walsh et al. fill in this gap in the teachings of Epstein et al. Applicant submits that when the disclosure of Walsh et al. is analyzed, it becomes clear that Walsh et al. fail to teach this limitation of claim 1.

The Examiner points to col. 3, line 27 to col. 4, line 42 and figure 2 of Walsh et al. as teaching this limitation. Walsh et al. focus on a voice-controlled voice-mail having a random-order message retrieval based on a played spoken identifier list. Columns 3 and 4 describe the flowchart of FIG. 2 and explain how the subscriber calls in to the voicemail

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system to control the system using voice commands. The Examiner equates the “tagging” command of the subscriber with the limitation of claim 1 at issue.

In Walsh et al., the subscriber can call in and using voice commands control a voice mail box. For example, once in the system, the subscriber can say “new” and listen to new voice mail messages or say “save” and save a voicemail message. Speech recognition is employed to understand these commands. One of the available commands for the subscriber is a “tag” command which enables the subscriber to treat any new messages from the same caller in a special manner. For example, if the subscriber is listening to a message from “mom” the subscriber can say “tag” to identify this caller and have this system treat later calls from “mom” in a special manner. The system then queries the subscriber for how to treat future calls from that calling party. These follow-on commands may be “page”, “call me” or “voicemail”. Then, in the future, when that caller calls, the voicemail system will handle that incoming call according to the “tag” associated with that call. See also, col. 1, line 63 - col. 2, line 14. There are several differences in Walsh et al.’s teachings and claim 1 with regards to identifying the caller and the use of “tags”.

Notably, Walsh et al. actually teach away from the present invention by their introduction in col. 1, lines 47 - 55. In this portion of the summary of the invention, Walsh et al. explain how the system according to their invention always identifies the calling party. The system will ask the caller to identify him/herself. The caller then provides his or her name, a nickname, code name, etc. The caller is also asked to leave a return address indicating where the caller can be reached. The system records the spoken identity and the associated return address in a database. Therefore, according to Walsh et al., each calling party must go through this process. It is assumed when a message is “tagged” that the calling party is identified. There is no process in Walsh et al. about performing speech recognition or determining the identity of each of the callers by comparing the speech signals from each

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of the voice mail messages with one or more caller speaker models because the callers in Walsh et al. are forced to identify themselves.

Therefore, Applicant respectfully submits that Walsh et al. simply do not teach the step of tagging the voice mail message as "unknown" when the identity of the caller of a voice mail message cannot be determined because they only teach that in each case the caller's identity is already known before the caller leaves a message. Therefore, Walsh et al. further fail to teach and in fact teach away from the step of receiving an identity of the unknown message caller from the voice mail subscriber. This is because the identity of the caller is identified previously from the caller him/herself without the need of the subscriber to identify the caller.

In sum, since Walsh et al. always identify the identity of the caller, this eliminates their patent from disclosing several of the elements of claim 1 regarding (1) how to handle an unidentified caller, (2) tagging the voice mail message as unknown and (3) receiving the identity of the unknown caller from the subscriber. Since there are several elements of claim 1 simply not taught or suggested by Walsh et al. or Epstein et al. Applicant respectfully submits that claim 1 is patentable and in condition for allowance.

Claims 3 - 5 and 8 - 10 each depend from claim 1 and recite further limitations therefrom. Accordingly, Applicant submits that these claims are patentable and in condition for allowance.

Claim 24 recites a system for processing voice-mail messages comprising a means for, when the identity of the speaker of a voice mail message cannot be determined, tagging that voice mail message as unknown and receiving an identity of the unknown message caller from the voice mail subscriber. As set forth above, Walsh et al. fail to teach such a limitation. Therefore, this claim is patentable as well. New claims 26 - 31 each depend from claim 24 and recite further limitations therefrom. Accordingly, Applicant submits that these claims are patentable as well.

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CONCLUSION

Having addressed the rejection of claims, applicant respectfully submits that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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